Minutes

I attach a record of conversations held in London with the head of the Dutch Commission who investigated this matter & also a shorter & more general minute prepared for submission to Sir G. Rendel which gives a general picture. The conversations in which Mr. Bingham was particularly concerned are also attached.

I should be most grateful for P.U.S. Dept's advice on how I shd. answer Mr. Bingham's enquiry (i.e. has the F.O. any objection to his libel action.) when he calls to-morrow morning.

[signature]
20/4

Z 7332 to Z 7339 | 1051/39 G 1949.

WN1051/1 G.

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NOTHING TO BE WRITTEN IN THIS MARGIN.

Minutes.

P.U.S. Legal asked to attend the meeting with Mr. Bingham, & I attach a chart to The Hague which explains the course the conversation took.

[signature] 2/4

[signature] 21/4

[signature] 21/4

P.U.S. Legal. 1/5

Mr. Marsh.

[signature] 4/5

NOTHING TO BE WRITTEN IN THIS MARGIN.

to institute proceedings for ...

a Dutch court against a Mr. de

GRAAF

Registry No. NN 1031/6G.

~~Top Secret~~
~~Secret~~
~~Confidential~~
~~Restricted~~
~~Open~~

Draft

Despatch

Hague.

No 151.

NOTHING TO BE WRITTEN IN THIS MARGIN.

OUTFILE.

April 24th.
Bag 4.30
24/4.

There has been a new development in the case of the "ENGLANDSPIEL" about which you last ~~wrote to me~~ reported in your despatch no 61 (1091/6/50) of 21st February. ~~Although you are unlikely to be asked upon to take any action in the matter I think that you should be kept informed of this development.~~

2. On 21st April Mr. S. Bingham, whose name ~~you~~ will ~~no doubt~~ be familiar to you, & who was one of the officers interrogated by Dr. L. A. Donker during his visit to London in 1949, called at the Foreign Office ~~to announce~~ to say that he had decided to institute proceedings for libel in a Dutch court against a Mr. de

GRAAF

de Graaf, who had frequently made untrue and damaging allegations against him in the press. ~~&~~ Mr. Brigham had discussed the possibility of starting a libel action with Dr. Jonker in 1949. The latter had advised him to await the publication of the ~~Commission's~~ [of the ~~Dut~~ Netherlands Parliamentary Commission of Enquiry] report. ~~&~~ Recently ~~months~~, however, the damaging statements had seemed to be gaining a wider credence instead of dying down, & ~~…~~ Mr. Brigham's father, who lives in Holland, had ~~suffered~~ received a number of insulting anonymous letters. Mr. Brigham himself had also seen a ~~the~~ prospect of employment in ~~the~~ Indonesian [illegible] when the contract had seemed within his grasp & had been led to believe that the de Graaf articles were in some way to blame.

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NOTHING TO BE WRITTEN IN THIS MARGIN.

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NOTHING TO BE WRITTEN IN THIS MARGIN.

Commission's
Commission's

3 In view of these developments, Mr. Brigham ~~had~~ consulted a Dutch lawyer who had advised him that he had a first class case and that it would be better ~~for him~~ to start proceedings before the publication of the Commission's report so that its ~~the Commission's~~ findings, which might well be somewhat vague & imprecise, served to substantiate the facts already brought out in the libel action. ~~Between him~~ If it was only after the Commission of Enquiry had published their findings that Mr. Brigham sued Mr. de Graaf, it could be argued ~~might look as~~ that ~~thought~~ he had been afraid of what the Commission might discover & had hesitated to involve himself in further enquiries until after the Commission had been dissolved. Mr. Brigham enquired whether the Foreign Office saw any objection to him

him acting on the advice of his lawyer & proceeding with the case.

4 After consideration of the security & political aspects of the matter Mr. Bingham was informed ~~advised~~ that there was no objection to him acting as he wished. But he was advised to write personally to Dr. DONKER to explain his intentions & the reasons which had prompted him to ~~disregard~~ change his mind. He was also advised to request Dr. DONKER to allow his lawyer to make use of certain ~~the~~ official statements which had been laid before the Commission if this became necessary. In fact Mr. Bingham's lawyer does not expect that he will need such statements & he does not intend to call Mr. Bingham as a witness in court.

5 Unfortunately Mr. Bingham only decided to inform the Foreign Office

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NOTHING TO BE WRITTEN IN THIS MARGIN.

Office of his intentions and to ask for their approval at the last minutes, and as the case could not be long delayed if it was to start before publication of the Committee's report ~~it~~ it was not possible to consult you before letting Mr. Brigham that he might proceed. It would, in any case, have proved difficult ~~if not impossible~~ to dissuade ~~Mr. Brigham from his course of action.~~ him ~~I hope that you will in any case I feel that~~ and there is, as I think you will agree, a good deal to be said for ~~much force in~~ his argument that his reputation will benefit from a libel action undertaken ~~before his~~ at this moment.

I am etc...

[signature]
21/4.

NOTHING TO BE WRITTEN IN THIS MARGIN.

No. 151 OUTFILE

(WN 1051/6G)

SECRET

FOREIGN OFFICE, S.W.1.

24th April, 1950.

Sir,

There has been a new development in the case of the "Englandspiel" about which you last reported in your despatch No. 61 (1091/6/50) of the 21st February.

2. On 21st April Mr. S. Bingham, whose name will be familiar to you and who was one of the officers interrogated by Dr. L.A. Donker during his visit to London in 1949, called at the Foreign Office to say that he had decided to institute proceedings for libel in a Dutch court against a Mr. de Graaf, who had frequently made untrue and damaging allegations against him in the press. Mr. Bingham had discussed the possibility of starting a libel action with Dr. Donker in 1949 and the latter had advised him to await the publication of the report of the Netherlands Parliamentary Commission of Enquiry. Recently, however, the damaging statements had seemed to be gaining a wider credence instead of dying down, and Mr. Bingham's father, who lives in Holland, had received a number of insulting anonymous letters. Mr. Bingham himself had also seen a prospect of employment in Indonesia vanish when the contract had seemed within his grasp and had been led to believe that the de Graaf articles were in some way to blame.

3. In view of these developments, Mr. Bingham consulted a Dutch lawyer who had advised him that he had a first class case and that it would be better to start proceedings

/before

I.P. Garran, Esq.,

etc., etc., etc.,

The Hague.

before the publication of the Commission's report so that its findings, which might well be somewhat vague and imprecise, served to substantiate the facts already brought out in the libel action. If it was only after the Commission of Enquiry had published their findings that Mr. Bingham sued Mr. de Graaf, it would be argued that he had been afraid of what the Commission might discover and had hesitated to involve himself in further enquiries until after the Commission had been dissolved. Mr. Bingham enquired whether the Foreign Office saw any objection to him acting on the advice of his lawyer and proceeding with the case.

4. After consideration of the security and political aspects of the matter Mr. Bingham was informed that there was no objection to him acting as he wished, but he was advised to write personally to Dr. Donker to explain his intentions and the reasons which had prompted him to change his mind. He was also advised to request Dr. Donker to allow his lawyer to make use of certain official statements which had been laid before the Commission if this became necessary. If fact Mr. Bingham's lawyer does not expect that he will need such statements and he does not intend to call Mr. Bingham as a witness in court.

5. Unfortunately Mr. Bingham only decided to inform the Foreign Office of his intentions and to ask for their approval at the last minute and as the case could not be long delayed if it was to start before publication of the Commission's report it was not possible to consult you before telling Mr. Bingham that he might proceed. It would, in any case, have proved difficult to dissuade him and there is, as I think

/you...

you will agree, a good deal to be said for his argument that his reputation will benefit from a libel action undertaken at this moment.

I am, with great truth,

Sir,

Your obedient Servant,

(For Mr. Younger)

Sd. C.P. Young

No. 151

(WN 1051/6G) FOREIGN OFFICE, S.W.1.

SECRET 24th April, 1950.

Sir,

There has been a new development in the case of the "Englandspiel" about which you last reported in your despatch No. 61 (1091/6/50) of the 21st February.

2. On 21st April Mr. S. Bingham, whose name will be familiar to you and who was one of the officers interrogated by Dr. L.A. Donker during his visit to London in 1949, called at the Foreign Office to say that he had decided to institute proceedings for libel in a Dutch court against a Mr. de Graaf, who had frequently made untrue and damaging allegations against him in the press. Mr. Bingham had discussed the possibility of starting a libel action with Dr. Donker in 1949 and the latter had advised him to await the publication of the report of the Netherlands Parliamentary Commission of Enquiry. Recently, however, the damaging statements had seemed to be gaining a wider credence instead of dying down, and Mr. Bingham's father, who lives in Holland, had received a number of insulting anonymous letters. Mr. Bingham himself had also seen a prospect of employment in Indonesia vanish when the contract had seemed within his grasp and had been led to believe that the de Graaf articles were in some way to blame.

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I.P. Garran, Esq.,
etc., etc., etc.,
The Hague.

before the publication of the Commission's report so that its findings, which might well be somewhat vague and imprecise, served to substantiate the facts already brought out in the libel action. If it was only after the Commission of Enquiry had published their findings that Mr. Bingham sued Mr. de Graaf, it would be argued that he had been afraid of what the Commission might discover and had hesitated to involve himself in further enquiries until after the Commission had been dissolved. Mr. Bingham enquired whether the Foreign Office saw any objection to him acting on the advice of his lawyer and proceeding with the case.

4. After consideration of the security and political aspects of the matter Mr. Bingham was informed that there was no objection to him acting as he wished, but he was advised to write personally to Dr. Donker to explain his intentions and the reasons which had prompted him to change his mind. He was also advised to request Dr. Donker to allow his lawyer to make use of certain official statements which had been laid before the Commission if this became necessary. If fact Mr. Bingham's lawyer does not expect that he will need such statements and he does not intend to call Mr. Bingham as a witness in court.

5. Unfortunately Mr. Bingham only decided to inform the Foreign Office of his intentions and to ask for their approval at the last minute and as the case could not be long delayed if it was to start before publication of the Commission's report it was not possible to consult you before telling Mr. Bingham that he might proceed. It would, in any case, have proved difficult to dissuade him and there is, as I think

/you...

you will agree, a good deal to be said for his argument that his reputation will benefit from a libel action undertaken at this moment.

I am, with great truth,

Sir,

Your obedient Servant,

(For Mr. Younger)

Sd. G.P. Young.

Y. 1950

WESTERN

NETHERLANDS

WN1051/Y G

FROM Sir P. Nichols
The Hague

No. 126

Dated 1091/8/50
4.5.50

Received in Registry— 10.5.50

Views on the libel action being brought by Mr. S. Bingham against a Mr de Graaf in connexion with "Englandspiel".

REFERENCES
WN1051/66

MINUTES

P.U.S. Dept. 13/5

12/5

12/5

12/5

(Print)

(How disposed of)

(Action completed)
RR 20/5

(Index)
W.Y.

38111

WN1051
WN1051/7
G

BRITISH EMBASSY,
THE HAGUE.

No. 126
1091/8/50
SECRET

4th May, 1950

W Green

WN1051/60

Sir,

I have the honour to refer to your despatch No. 151 of the 25th April about the libel action being brought by Mr. S. Bingham against a Mr. de Graaf in connection with the "Englandspiel". I would have preferred that no libel action should be brought, but in the circumstances described in your despatch I naturally agree with the action you have taken.

I have the honour to be,
with great truth and respect,
Sir,
Your most obedient and humble Servant,

H. W. Nichols

The Honourable,
K.G. Younger, M.P.

1950	WESTERN DEPARTMENT NETHERLANDS

WN 1051/8

FROM Sir P. Nichols
The Hague
Secret.
No. 215 1091/12/50
Dated 18 July
Received in Registry— 19 July

The Parliamentary Committee of Enquiry into the conduct of the Netherlands Government during the war.
Copies of the fourth part of the Report enclosed.
Refers to Hague despatch No 141 of 13th April 1949 (Z3175) and Foreign Office despatch No 286 of 24 May 1949 1017/29)

REFERENCES
ZN 3175/1017/29 (1949)
WN 1051/5G (1950)

(Print)

(How disposed of)
Desp. Sir P. Nichols
The Hague
No. 291
Aug. 15

(Action completed) JGR 6/9
(Index) WJ.

MINUTES

For a brief history of this case I attach a copy of a memorandum prepared for Sir William Strang on 18th July.

The Commission's report is in Western Dept. but as it is in Dutch it is of academic interest only. The statement enclosed in the despatch is similar to the Reuter message which was reproduced in the British press. The fact however that the press had access to the Commission's report for 3 weeks before its publication makes it reasonably certain that there are no other startling passages to which we might take exception. Moreover the report has led to the publication of a number of articles favourable to H.M.G. in the Dutch press. It does not seem necessary, therefore, to enquire further into what the report actually says.

38679

I think

I think Sir P. Nichols' suggestion that a letter be written to Dr. Donker is a good one and attach a draft. It might be as well to inform the press that we have written to Dr. Donker in appreciative terms, but otherwise to leave the Commission's findings without comment. I attach a draft to this stage.

I think these papers should be seen by Mr. Reilly's friends before any action is taken.

P. Mason
21/7

P.U.S. ~~Dept~~ First
News Dept. ... 2/8

691/F

The Commission's report appears to have followed substantially the line indicated by Dr. Donker during his visit to London and is as satisfactory as Mr. Reilly's friends could have hoped for under the circumstances. The main, and highly damaging charges have been well and truly refuted and judging by the apparently favourable reception given to the report both here and in Holland the charges of ineptitude seem to have been over-shadowed by satisfaction that the accusations of treachery have been dispelled.

The friends concerned fully support Sir P. Nichols suggestion that a letter be written to Dr. Donker and they agree that it would be a pity to stir up the press here by enlarging on or quibbling about any of the Commission's findings.

Nigel Bicknell
(Nigel Bicknell)
31st July, 1950.

Minute & draft submitted.
[illegible]
3/8

Sir Young has mentioned this to Sir P Nichols who will let us know as soon as he has passed the message to Dr. Donker. No action required till then.

P.M. 23/8

ENGLANDSPIEL.

Proposal

1. To send a letter of thanks from the Secretary of State to the President of the Netherlands Commission of Enquiry into war time intelligence and sabotage activities.

Background.

2. The Germans, during the war, penetrated the activities of S.O.E. in Holland, and so secured the capture and death of Dutch agents. (Englandspiel was their name for this operation). It was widely alleged in Holland that S.O.E. realised that penetration had taken place, but nevertheless continued, for reasons of their own, to send Dutch agents to death. This fantastic allegation was investigated by a Dutch Parliamentary Commission, presided over by Dr. Donker, who in October 1949 came to England and was twice seen by the Parliamentary Under Secretary. He interviewed various British officers concerned, and was satisfied with his enquiries.

3. The relevant section of the Commission's report has now been published, and is satisfactory. The suggestion that we knowingly sacrificed Dutch agents to the Germans has been categorically refuted. The failure of the operations, ascribed by the British to errors of judgment, is ascribed by the Dutch to grave mistakes; but this is not a conclusion with which we should quarrel.

4. Sir Phillip Nichols has suggested that a letter of thanks be sent to Dr. Donker for his work on the Commission of Investigation. This suggestion is supported by Mr. Reilly's friends. A draft is submitted.

G.P. Young

(G.P.Young)
3rd August, 1950.

I think it would be more appropriate if Sir P. Nichols gave a message to Dr Donker from the S/S & have modified the draft accordingly.

Private Secretary.

[illegible]
3.8.

The S. of S. agrees.
[illegible] 9/8

[illegible]

/ See within

See within:

A) Sir P. Nicholls The Hague 170 28/8.

See minute on WN 1051/10/6.

[illegible]
1/9.

BRITISH EMBASSY,
THE HAGUE.
18th July, 1950

No. 215
1091/12/50
SECRET

W N 1051/89

Sir,

I have the honour to refer to my despatch No. 141 of the 13th April 1949, and to your despatch in reply No. 286 of the 24th May 1949 about the reports of the Parliamentary Committee of Enquiry into the conduct of the Netherlands Government during the war. I now have the honour to transmit copies of the fourth part of this report, which was published on Saturday, July 15th. This section of the report, which comprises three volumes, deals with the secret services of the Netherlands Government in London, and the contacts of that Government with the occupied territories. It therefore includes the enquiry into the circumstances surrounding the "Englandspiel", which was the subject of extensive correspondence ending with Hague Chancery's Top Secret letter 1091/10/50 of May 19th, 1950 regarding the assistance afforded by the Foreign Office to the Chairman of the Parliamentary Commission, Dr. Donker.

2. In view of the instructions contained in your despatch No. 286 of 1949, I do not propose to have this report translated here, and in the time available since its publication it has not been possible to give it any detailed examination. I enclose a copy of the very brief summary of the report published in the Netherlands Press Agency Bulletin, in which emphasis is placed on the Foreign Office statement of the 14th December, 1949. This is the document which, in its final form, was handed to

/Dr. Donker

The Honourable
K.G. Younger, M.P.

Dr. Donker on January 25th of this year. The English and Dutch texts will be found as Annex 40 in part 4B of the Report (i.e. the penultimate pages of the volume).

3. Almost without exception the Dutch press, who had the report in their hands for three weeks before publication was authorized, have emphasized the finding of the Commission that there was no treachery, either on the British or Dutch side, among those concerned with the conduct of clandestine operations in the Netherlands, and they have all expressed the utmost satisfaction at this conclusion. The frankness and co-operative spirit of the British authorities concerned have made an excellent impression, and I have every hope that the publication of the Commission's report will put an end to the insinuations of treachery and duplicity which have, ever since the end of the war, been potentially most harmful to Anglo-Dutch relations.

4. Some tribute is, I think, due to the work performed by Dr. Donker in the preparation of this report, which certainly involved considerable intellectual powers and physical effort. In his dealings with me Dr. Donker has at all times shown himself most frank and co-operative, and this, I understand, was also true of his dealings with your Department. If it is your impression after reading this report that Dr. Donker has performed his task in a conscientious and scrupulously fair manner, it is perhaps for consideration whether it would not be appropriate for a word of appreciation to be written to him from London, or alternatively that I should be authorised to convey such a word of appreciation on behalf of His Majesty's Government.

I have the honour to be,

With the highest respect,

Sir,

Your obedient Servant,

Philip Nichols

Enclosure to The Hague despatch No. 215 of 18th July, 1950

"ENGLAND SPIEL" - REPORT PUBLISHED

The Hague, July 15th. - A three-volume report, weighing twelve kilogrammes and containing 3,000 pages - which took three months to print - on the "England Spiel" was published here today by the Dutch Parliamentary Enquiry Commission investigating the wartime conduct of the Netherlands Government in London.

The "England Spiel" was a German counter-espionage movement in Holland during World War II, which caused the capture and death of many Dutch and British agents dropped in the Netherlands during the war.

In its report the commission unanimously rejects "the many, often fantastic and speculative theories about treachery, either on the British or on the Dutch side" in the military intelligence service and the military administration in London.

Strong Criticism

But the Dutch as well as the British intelligence services in London and the policy concerning the secret services followed by the Netherlands wartime Government in London are strongly criticised by the commission. Responsibility for the mistakes made on the Dutch side, the report states, is born by the Dutch cabinet at that time, "but especially by some of the individual Ministers."

In this connection the commission's report mentions Holland's wartime Premier Professor P.S. Gerbrandy, former Defence Minister Mr. A.Q.H. Dijxhoorn, former Navy Minister Lieutenant-Admiral (ret.) J.T. Fürstner, former Foreign Affairs Minister Dr. E.N. van Kleffens and former Home Affairs Minister Mr. H. van Boeyen.

Foreign Office Report

On the initiative of the British Ambassador in the Netherlands contact was established between the Dutch Parliamentary Commission and the British Foreign Office. The British Government agreed

/that

that the commission could interview some former British secret service officials, members of the S.O.E. and S.I.S.

After consultations with Mr. C.P. Mayhew, British Parliamentary Under-Secretary of State for Foreign Affairs, the British Foreign Office submitted a report on December 14th, 1949, protesting against the allegation that British authorities would have knowingly sacrificed the lives of Dutch patriots for other purposes, in or outside of Holland.

In a number of points the Foreign Office report explains that - at an early stage of the war - the Germans succeeded in penetrating into the transmission system used between secret service agents in occupied Holland and the intelligence officials in Britain. Finally, the British report continues, the Germans succeeded in obtaining complete control over the system.

"Errors of Judgment"

The Foreign Office report states that one of the main causes of the penetration and of its long duration has been the failure on the British side to pay attention to the omission of security checks in the reports transmitted by some of the agents.

It has later been realised, the British report says, that the continuation of operations under those circumstances was a mistake.

In its report the Dutch Parliamentary Commission states that the only difference in opinion between the commission and the British authorities is that the British call their failures "errors of judgment", while the Dutch commission considers them "mistakes, and very serious mistakes in some cases."

Although the Dutch intelligence service in London was very much dependent on the British one, which lessened its own responsibility, the commission has found it guilty of many failures, the report says.

/8 Vols. Interviews

2 Vols. Interviews

The report contains a large amount of material collected in interviews - which are given in full in two volumes - about the activities and fate of secret service agents sent from Britain to Holland during the German occupation.

The report also contains a survey of the organisation of the Dutch secret service in London and it describes in detail the two routes to and from Holland during the war, one via Sweden and one via Switzerland.

In July 1943 the Dutch secret service was reorganised and an information service was established under Major J.M. Somer. Through this organisation much better contact was established between the authorities in London and the resistance movement in Holland, the report notes.

"Highly Admirable" Work

The commission believes that the Dutch service in general succeeded in recruiting "the right type of agents" and, in the later years of the war, the Dutch resistance movement, aided by the information service in London, did "highly admirable" work.

In its conclusions the commission states that, whatever information the Germans may have obtained during the "England Spiel", they still failed in obtaining an answer to the question of Allied military invasion plans in Western Europe in general and in Holland in particular - which was the main purpose of the German counter-espionage.